

EXAMINATION OF INCREASE IN MENTAL COMPETENCY CASES

As the number of people with mental illness continues to grow in our criminal justice system; there are many challenges that the County is facing. Our courts, law enforcement and behavioral health providers are working together on strategies that address needs of individuals with mental illness, while preserving public safety.

Under state and federal law, all individuals who face criminal charges must be mentally competent to help in their defense. By definition, an individual who is incompetent to stand trial (IST) lacks the mental competency required to participate in legal proceedings. In California, there is a monthly statewide waitlist that averages between 200 and 300 individuals alleged to have committed felonies whom the courts have deemed mentally incompetent to stand trial. These individuals are waiting for a bed to become available in a state hospital so they can undergo evaluation and receive treatment to restore them to competency. Once at a state hospital, the state spends significant resources to provide treatment for this population—approximately \$170 million annually.

The Mental Health Court, commonly referred to as Department 95, evaluates defendants in pre-preliminary hearing felony and all misdemeanor cases to see if they are mentally incompetent to stand trial.

- MORE -

MOTION

RIDLEY-THOMAS_____

KUEHL_____

KNABE_____

ANTONOVICH_____

SOLIS_____

Competency cases seen in Department 95 have increased from 944 to over 3,500 annually over the past five years.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

Direct the Chief Executive Officer, District Attorney, Public Defender, Alternate Public Defender, Sheriff, Department of Mental Health, Mental Health Court and Office of Diversion and Re-Entry to report back, within 60 days, with a root cause analysis of the increase in mental competency cases and provide the Board with recommendations on how to best serve those who are mentally incompetent to stand trial, as well as potential additional resources needed to support the increase.

#

HLS: jyp